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YBE1-BQ62



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Joseph Neev, et al.

Serial No.: 09/878,002

Filed: June 8, 2001

For: METHOD AND APPARATUS FOR
TISSUE TREATMENT AND
MODIFICATION

Patent Examiner:

Art Unit: 2881

January 2, 2002

Irvine, California 92614

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OFFICE OF PETITIONS

**PETITION BY APPLICANT UNDER RULE 47 IN SUPPORT OF PATENT
APPLICATION WHERE A JOINT INVENTOR CAN NOT BE LOCATED**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicant and co-inventor, Joseph Neev, hereby submits a petition pursuant to 37 C.F.R. Section 1.47(a) as supported by an attached declaration by Joseph Neev along with the \$130.00 fee required by 37 C.F.R. Section 1.17(h).

U.S. Patent Application Serial No. 09/878,002 identifies Joseph Neev and Oleg Konoplev as co-inventors. This petition is submitted in support of the accompanying Declaration and Power of Attorney which has been signed by one of the inventors, Joseph Neev, but not by the other inventor, Oleg Konoplev. After diligent effort by Joseph Neev, Oleg Konoplev can not be located.

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Mr. Neev mailed a copy of the application papers (specification, claims, drawings, declaration, and power of attorney) by Express Mail to Mr. Konoplev's last known address on December 7, 2000. The Express Mail letter was returned marked "Returned to Sender, Order Expired".

In addition, as noted in the declaration of Mr. Neev, Mr. Neev talked to persons that were known to Mr. Neev to be acquaintances of Mr. Konoplev, as a result of Mr. Konoplev's employment at Y-Beam Technologies, Inc. Mr. Neev learned that these acquaintances do not know where Mr. Konoplev is, and several believed that Mr. Konoplev returned to Russia to rejoin his family. None of the persons Mr. Neev talked to knew of Mr. Konoplev's address in Russia.

The last known address of Mr. Konoplev is:

Oleg Konoplev
68 Southbrook
Irvine, California 92604

Based on this Petition and the accompanying declaration of Joseph Neev, applicant and co-inventor, Joseph Neev, requests that the Commissioner permit him to proceed with the subject application on behalf of himself and on behalf of the non-signing inventor, Oleg Konoplev, who cannot be located, and that the declaration signed by Joseph Neev and filed herewith be deemed sufficient for such purposes.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on January 2, 2002.

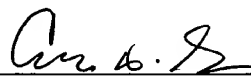
By: Sandy Malec


Signature

Date: January 2, 2002

Respectfully submitted,

PRICE AND GESS


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